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AMGUARD INSURANCE COMPANY

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAN CARLTON, an individual,

Plaintiff,

v.

AMGUARD INSURANCE COMPANY, a
foreign corporation; and
DOES 1 to 100, inclusive,

Defendants.

Case No. 2:22-cv-02030-WBS-DB

**AMENDED STIPULATION AND ORDER TO
EXTEND DISCOVERY, PRETRIAL DATES
AND TRIAL DATE SET IN STATUS
(PRETRIAL SCHEDULING) ORDER**

**FOURTH REQUEST FOR EXTENSION
(CORRECTED SIGNATURES)**

Plaintiff Dan Carlton ("Plaintiff") and Defendant Amguard Insurance Company ("Defendant") by and through their respective counsel, hereby stipulate and request the Court to approve their agreement for an extension of the discovery, other pretrial deadlines and trial date as follows:

1. On August 3, 2023, the Court issued an order extending Pretrial Scheduling Dates. (Dkt 10)

2. On October 30, 2023, the Court issued a second order extending Pretrial Scheduling Dates. (Dkt 12)

3. On January 5, 2024, the Court issued a third order extending Pretrial Scheduling Dates. (Dkt 14)

1 4. Since the third order, the parties have continued to
2 exchange written discovery, and have met and conferred regarding
3 the production of other claim file documents under *Colonial Life*
4 & *Accident Ins. Co. v. Superior Court* (1982) 31 Cal.3d 785.

5 5. Also since the third order, on March 1, 2024,
6 Defendant filed a motion for summary judgment that was heard on
7 May 28, 2024 and denied by the Court on May 30, 2024. (Dkt 22)

8 6. Also since the third order, the parties have discussed
9 a return to mediation in light of the Court's order denying the
10 Defendant's motion for summary judgment. The parties have
11 agreed that fact discovery should be completed before they can
12 effectively return to mediation. This includes completion of
13 the depositions of Defendants' employees begun in December 2023.
14 The parties have agreed that Plaintiff can resume those
15 depositions following the production of all of Defendants'
16 relevant documents.

17 7. One of the Defendant's employees has a medical
18 condition that renders her unavailable for deposition until late
19 April or early May 2025. The parties believe that justice will
20 best be served by completing that deposition before initial
21 expert reports are due, and thus seek to continue the current
22 deadlines, pretrial conference date and trial date.

23 8. Good cause therefore exists for the parties' request
24 because it makes practical sense to complete fact discovery
25 regarding the Defendant's handling of the claim before returning
26 to mediation. The parties thus jointly request that the Court
27 extend the current deadlines by 2 months for completing factual
28 discovery, by 4 months for disclosing experts, and by 5 months

for the commencement of trial:

Deadline	Current Date	Proposed New Date
Expert disclosures due	January 31, 2025	May 30, 2025
Rebuttal expert disclosures	February 14, 2025	June 13, 2025
Close of factual discovery	March 17, 2025	May 16, 2025
Last day to file motions	March 1, 2024	March 1, 2024
Final Pretrial Conference	April 21, 2025, 1:30 p.m.	August 25, 2025, 1:30 p.m.
Trial Date	June 24, 2025, 9 a.m.	November 12, 2025, 9 a.m.

9. Accordingly, the parties stipulate and respectfully request that the Court extend the deadlines as proposed, or alternative dates convenient for the Court.

The undersigned filer attest the concurrence in the filing of this document from all signatories and authority to the filing with electronic signatures have been obtained.

Dated: December 30, 2024

WILSON, ELSEER, MOSKOWITZ,
EDELMAN & DICKER LLP

/s/ John H. Podesta

By: _____
JOHN H. PODESTA
Attorneys for Defendant
AMGUARD INSURANCE COMPANY

1 Dated: December 30, 2024

2 MURPHY AUSTIN ADAMS SCHOENFELD LLP

3
4 /a/ Alex F. Stuart

5 By

6 ALEXANDER F. STUART
7 Attorneys for Plaintiff
8 DAN CARLTON
9
10
11

12 **ORDER**

13 After considering the stipulation, IT IS HEREBY ORDERED
14 THAT:

- 15 1. For good cause shown, the stipulation is granted;
16 2. The discovery, motion, pretrial and trial dates are
17 continued as follows:

18 Expert disclosures due: May 30, 2025

19 Rebuttal expert disclosures due: June 13, 2025


20 Close of factual discovery: May 16, 2025

21 Last day for filing motions: March 1, 2025

22 Final Pretrial Conference: August 25, 2025 at 1:30 p.m.

23 Trial date: November 12, 2025 at 9:00 a.m.

24
25 Dated: January 6, 2025


26 WILLIAM B. SHUBB
27 UNITED STATES DISTRICT JUDGE
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